

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

The specification has been amended to correct typographical errors.

Status of the Claims

Upon entry of the present amendment, claims 1, 5, and 7-8 will be pending in the application. Claim 1 has been amended herein. Claim 8 has been added. Claim 1 has been amended in accordance with the Examiner's suggestions and contains no additional recitations. Support for new claim 8 can be found in claim 1. No new matter has been added. Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Claims Objections

The Examiner has objected to claim 1 because the limitations of component (b) appear before the limitations of component (a). Applicants have amended claim 1 to correct this issue. Thus, Applicants respectfully request that the outstanding objection be removed.

Issues under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1, 5, and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner alleges that claim 1 is unclear as to whether the text within the parentheses is included in the claim. Applicants have removed the parentheses from claim 1 to overcome this issue. Accordingly, Applicants respectfully request that the outstanding rejection be removed.

Issues over the Cited Prior Art

1) The Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Langdon et al. '279 (US 4,086,279).

2) The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Langdon et al. '279 in view of Williams et al. '970 (US 6,165,970).

Applicants respectfully traverse and assert that Langdon et al. '279, either alone or in view of Williams et al. '970, do not disclose each and every aspect of independent claim 1. Therefore, Langdon et al. '279 do not anticipate or render obvious claim 1. Furthermore, Langdon et al. '279 in view of Williams et al. '970 do not render obvious claim 7.

Legal Standard for Determining Anticipation

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Legal Standard for Determining Prima Facie Obviousness

MPEP 2141 sets forth the guidelines in determining obviousness. First, the Examiner has to take into account the factual inquiries set forth in *Graham v. John Deere*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), which has provided the controlling framework for an obviousness analysis. The four *Graham* factors are:

- (a) determining the scope and content of the prior art;

- (b) ascertaining the differences between the prior art and the claims in issue;
- (c) resolving the level of ordinary skill in the pertinent art; and
- (d) evaluating any evidence of secondary considerations.

Graham v. John Deere, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966).

Second, the Examiner has to provide some rationale for determining obviousness. MPEP 2143 sets forth some rationales that were established in the recent decision of *KSR International Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). Exemplary rationales that may support a conclusion of obviousness include:

- (a) combining prior art elements according to known methods to yield predictable results;
- (b) simple substitution of one known element for another to obtain predictable results;
- (c) use of known technique to improve similar devices (methods, or products) in the same way;
- (d) applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (e) “obvious to try” – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success
- (f) known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;
- (g) some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

As the MPEP directs, all claim limitations must be considered in view of the cited prior art in order to establish a *prima facie* case of obviousness. See MPEP 2143.03.

The Present Invention

The claimed composition is characterized by containing a detergent and the crosslinked product obtained by reacting component (a) having formula (II), having 2 to 32 hydroxyl groups, with a polyhydric alcohol polyglycidyl ether (b) having the polyhydric alcohol group of formula (III). Component (a) is a compound represented by formula (II), which has an amine group.

Distinctions over the Cited Art

As discussed above, claim 1, as amended, now recites that component (a) is a compound only represented by formula (II), which contains an amine group. Langdon et al. '279 fail to disclose a compound represented by formula (II).

Thus, Langdon et al. '279 do not disclose each and every aspect of claim 1, from which claim 7 depends. Applicants respectfully submit that Williams et al. '970 do not overcome the deficiencies of this reference.

Accordingly, the present invention is not anticipated by Langdon et al. '279 since the reference does not teach or provide for each of the limitations recited in the pending claims.

In addition, a *prima facie* case of obviousness has not been established. To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be disclosed by the prior art. As discussed above, Langdon et al. '279 in view of Williams et al. '970 fail to disclose all the claim limitations of independent claim 1, and claim 7 dependent thereon. Therefore, withdrawal of the outstanding rejections is respectfully requested.

For the reasons given above, the combination of references does not render the present invention obvious because the cited references do not disclose at least one feature of the present invention and its effects. Furthermore, the cited references or the knowledge in the art provide no reason or rationale that would allow one of ordinary skill in the art to arrive at the present invention as claimed. Any contentions of the USPTO to the contrary must be reconsidered at present.

Allowable Subject Matter

Applicants acknowledge the indication of allowable subject matter of claim 5 if rewritten into independent form. However, for the reasons indicated above, all pending claims are believed to be directed to allowable subject matter.

Newly Proposed Claim 8

Applicants have newly proposed claim 8 in an effort to further define the scope of protection owed to Applicants. Applicants respectfully submit that claim 8 is allowable for the reasons given above. As such, Applicants respectfully assert that claim 8 clearly defines over the prior art of record, and an early action to this effect is earnestly solicited.

CONCLUSION

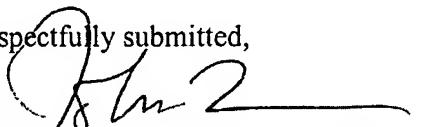
A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case clearly indicating that each of claims 1, 5 and 7-8 are allowed and patentable under the provisions of title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Reg. No. 58,258, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: **January 6, 2009**

Respectfully submitted,

By 

John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants